

REMARKS

Summary

Claims 1, 15 and 17 have been changed by this amendment. Claim 4 has been canceled by this amendment and claims 2-3 and 12-14 remain cancelled. No claims have been added. Claims 1, 5-13, and 15-18 are pending in the application.

Claim changes

Claim 1 has been changed to include the limitations of claim 4.

Claim 15 has been amended by adding the word “optical” before “scanner” and classifying the cryptographic signature as a public-key signature. This is supported at least in applicants’ specification at least on page 6, lines 14-15 and page 7, lines 1-2, and by original claim 4.

Claim 17 has been amended by classifying the cryptographic signature as a public-key signature and adding the phrase “based on the contents of the RFID tag” after “outputting a public key cryptographic signature”. This is supported in applicants’ specification at least on page 4, lines 6-12, and by original claim 4.

No new matter is added by the above changes. Applicant notes that in the absence of further discussion below, the above changes have not been substantively discussed and have been made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art.

Pending claims

The statement in section 1 of the Office Action on page 2 is inaccurate. Claims 14-16 were cancelled in the previous Office Action. This is properly reflected in the Office Action Summary.

Claims 15-16 and 17-18 were rejected under U.S.C. §102 as being anticipated by Halperin et al., 6,226,619

Amended claim 15 identifies an optical scanner, and specifies that the cryptographic signature is a public key signature. Halperin does not describe an optical scanner outputting a public-key cryptographic signature. Therefore claim 15 is not anticipated by Halperin.

Amended claim 17 describes that a public-key cryptographic signature that has been generated based on the contents of the RFID tag is printed on the item or packaging. Halperin does not describe this. Halperin describes printing non-encrypted information on the item or packaging (col. 5, lines 46-47, col. 6, lines 46-47, col. 6, line 67 to col. 7, line 4). Therefore amended claim 17 is not anticipated by Halperin.

For the above reasons, applicants believe that amended claims 15 and 17 are patentable, and that claims 16 and 18 are patentable, inasmuch as they each rely on one of amended claims 15 and 17.

Claims 1 and 4-11 were rejected under U.S.C. §103(c) as being obvious in view of Halperin et al., 6,226,619

The examiner states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Halperin's system by simply switching the location of the first and second number as shown in the claimed invention to make it easier to read during verification.

The applicants assert that it was clearly not obvious at the time of the invention to switch the location of the first and second numbers. That this is so is clearly demonstrated by a plurality of facts. First, Halperin, who was presumably one of at least ordinary skill in the art when he described his invention, never mentioned an alternative of using the numbers in the reversed location, even though at the time of his invention it would have been not been practical to put a reasonably generated public-key signature into an RFID tag of the type available at the time, such that the cost of the RFID tag would make its use economically feasible. To put it another way, if a public-key signature technique was chosen that was compatible with RFID tag memories available at the time of Halperin's invention, the signature would have been too easily breakable because of its short length.

Secondly, in spite of this aspect of Halperin's invention, the applicants are not aware of anyone having described applicant's claimed invention during the time that has intervened between the publication of US Patent 6,226,619 (May 1, 2001) and the filing of applicants patent application (Sept 21, 2003), even though the applicants believe the field has been a well studied field during that time. Further, to applicants' knowledge, no one has described applicants'

claimed invention between the time of filing of applicants' patent application (Sept 21, 2003) and the publication of applicants' patent application (Mar. 3, 2005).

Accordingly, applicants believe that the conclusion of the Office Action was based primarily on hindsight. This is supported by the fact that the reason given in the Office Action (easier reading of the numbers) for using the number locations of applicants' claimed invention is not a primary motivating reason for either applicants' or Halperin's embodiment of the locations.

Applicant notes that any amendments or claim cancellations made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such amendments or cancellations not substantively discussed. Furthermore, any remarks made herein with respect to a given claim or amendment are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Applicant specifically reserves the right to prosecute claims of differing and broader scope than those presented herein, in a continuation application.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: /James Lamb/

James A. Lamb
Attorney of Record
Reg. No.: 38,529

Telephone: 847-576-5054
Fax No.: 847-576-3750